

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILIP E. BERENS

Plaintiff

v.

HOME PROPERTIES, L.P.
t/a BROADLAWN APARTMENTS

Defendant.

NO. 02-CV-3857

**DEFENDANT'S MOTION TO DISMISS OR, IN THE ALTERNATIVE
FOR A MORE DEFINITE STATEMENT**

Pursuant to Federal Rule of Civil Procedure 12(b), Defendant, Home Properties of New York, L.P., moves this Court to dismiss Plaintiff's Complaint for failing to state a claim upon which relief may be granted or, in the alternative, to require Plaintiff to file a more definite statement pursuant to Federal Rule of Civil Procedure 12(e). In support thereof, Defendant relies on the accompanying memorandum of law.

Respectfully submitted,

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Date: June ____, 2002

